

Docket No.: 11887-00005-US  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:  
Pascual Perez et al.

Application No.: 10/506,946

Confirmation No.: N/A

Filed: September 8, 2004

Art Unit: Not Yet Assigned

For: NOVEL METHOD FOR THE PRODUCTION  
OF HYBRID MAIZE SEEDS

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 11887-00005-US. A duplicate copy of this paper is enclosed.

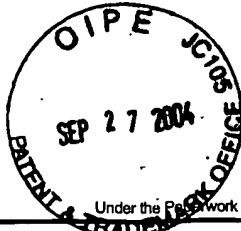
Dated: September 24, 2004

Respectfully submitted,

By Liza D. Hohenschutz  
Liza D. Hohenschutz

Registration No.: 33,712  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant

354658



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

|                        |  | <i>Complete if Known</i> |  |
|------------------------|--|--------------------------|--|
| Application Number     |  | 10/506,946               |  |
| Filing Date            |  | September 8, 2004        |  |
| First Named Inventor   |  | Pascual Perez            |  |
| Art Unit               |  | Not Yet Assigned         |  |
| Examiner Name          |  | Not Yet Assigned         |  |
| Attorney Docket Number |  | 11887-00005-US           |  |

### U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
|                    |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                    |                       |  |                                |  |   |

### FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
|                    |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |   |                |
| BA                 | WO-95/34634           |   | 12-21-1995                     | Plant Genetic Systems NV                           |   |                |
| BB                 | WO-99/04023           |   | 01-28-1999                     | Pioneer Hi-Bred International, Inc.                |   |                |
| BC                 | WO-95/34660           |   | 12-21-1995                     | Advanced Technologies (Cambridge) Limited          |   |                |
| BD                 | WO-92/11379           |   | 07-09-1992                     | Nickerson International Seed Company Limited       |   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup>  | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|--------------------|--|---|----------------|
|                    |  |   |                |
| CA                 | M. R. Bhave et al, "Identification and Molecular Characterization of Shrunken-2 cDNA Clones of Maize", The Plant Cell, American Society of Plant Physiologists, Vol. 2, pages 581-588, June 1990   |   |                |
| CB                 | Y. Ishida et al, "High Efficiency Transformation of Maize (Zea mays L.) mediated by Agrobacterium Tumefaciens", Nature Biotechnology, Vol. 14, pages 745-750, June 1996  |   |                |
| CC                 | L. Herrera-Estrella et al, "Chimeric Genes as Dominant Selectable Markers in Plant Cells", The EMBO Journal, Vol. 2, No. 6, pages 987-995, 1983  |   |                |
| CD                 | R. W. Hartley, "Expression of Its Cloned Inhibitor Permits Expression of a Cloned Ribonuclease", J. Mol. Biol., pages 913-915, 1988  |   |                |
| CE                 | M. E. Fromm et al, "Stable Transformation of Maize After Gene Transfer by Electroporation", Nature, Vol. 319, pages 791-793, February 1986   |   |                |
| CF                 | A. Franck et al, "Nucleotide Sequence of Cauliflower Mosaic Virus DNA", Cell, Vol. 21, pages 285-294, August 1980  |   |                |
| CG                 | G. An, "Development of Plant Promoter Expression Vectors and Their Use for Analysis of Differential Activity of Nopaline Synthase Promoter in Transformed Tobacco Cells", Plant Physiol, Vol. 81, pages 86-91, 1986                      |   |                |
| CH                 | O. D. Anderson et al, "Nucleotide sequences of the two high-molecular-weight glutenin genes from the D-genome of a hexaploid bread wheat, Triticum aestivum L. cv Cheyenne", Nucleic Acids Research, Vol. 17, No. 1, pages 461-462, 1989 |   |                |
| CI                 | P. S. Chourey et al, "The Enzymatic Deficiency Conditioned by the shrunken-1 Mutations in Maize", Biochemical Genetics, Vol. 14, Nos. 11/12, pages 1041-1055, 1976   |   |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |   |    |   |                          |                   |
|---|---|----|---|--------------------------|-------------------|
| Substitute for form 1449A/B/PTO<br><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   |    |   | <b>Complete If Known</b> |                   |
| Sheet   | 2 | of | 2 | Application Number       | 10/506,946        |
|   |   |    |   | Filing Date              | September 8, 2004 |
|   |   |    |   | First Named Inventor     | Pascual Perez     |
|   |   |    |   | Art Unit                 | Not Yet Assigned  |
|   |   |    |   | Examiner Name            | Not Yet Assigned  |
|   |   |    |   | Attorney Docket Number   | 11887-00005-US    |

|     |   |  |
|-----|---|--|
| CJ  | J. Cao et al, "Regeneration of herbicide resistant transgenic rice plants following microprojectile-mediated transformation of suspension culture cells", Plant Cell Reports, Vol. 11, pages 586-591, 1992  |  |
| CK  | M. Bevan et al, "Structure and transcription of the nopaline synthase gene region of T-DNA", Nucleic Acids Research, Vol. 11, No. 2, pages 369-385, 1983  |  |
| CL  | L. A. Lyznik et al, "FLP-mediated recombination of FRT sites in the maize genome", Nucleic Acids Research, Vol. 24, No. 19, pages 3784-3789, 1996   |  |
| CM  | J. White et al et al, "A cassette containing the bar gene of Streptomyces hygroscopicus: a selectable marker for plant transformation", Nucleic Acids Research, Vol. 18, No. 4, page 1062, 1989   |  |
| CN  | C. S. Robert et al, "Tissue-Specific Expression of a Wheat High Molecular Weight Glutenin Gene in Transgenic Tobacco", The Plant Cell, Vol. 1, pages 569-578, June 1989   |  |
| CO  | W. Cheng et al, "The Miniature1 Seed Locus of Maize Encodes a Cell Wall Invertase Required for Normal Development of Endosperm and Maternal Cells in the Pedicel", The Plant Cell, Vol. 8, pages 971-983, June 1996                                   |  |
| CP  | J. J. Finer et al, "Development of the particle inflow gun for DNA delivery to plant cells", Plant Cell Reports, Vol. 11, pages 323-328, 1992   |  |
| CQ  | N. Di Fonzo et al, "The b-32 protein from maize endosperm, an albumin regulated by the O2 locus: Nucleic acid (cDNA) and amino acid sequences", Mol Gen Genet, Vol. 212, pages 481-487, 1988  |  |
| CR  | A. Depicker et al, "Nopaline Synthase: Transcript Mapping and DNA Sequence", Journal of Molecular and Applied Genetics, pages 561-573, 1982   |  |
| CS  | E. M. Southern, "Detection of Specific Sequences Among DNA Fragments Separated by Gel Electrophoresis", J. Mol. Biol., Vol. 98, pages 503-517, 1975   |  |
| CT  | J. I. Yoder et al, "Transformation Systems for Generating Marker-Free Transgenic Plants", Bio/Technology, Vol. 12, pages 263-267, March 1994  |  |
| CU  | W. Paul et al, "The isolation and characterisation of the tapetum-specific Arabidopsis thaliana A9 gene", Plant Molecular Biology, Vol. 19, pages 611-622, 1992   |  |
| CV  | J. Messing, "New M13 Vectors for Cloning", Methods in Enzymology, pages 20-78, 1983   |  |
| CW  | D. McElroy et al, "Construction of expression vectors based on the rice actin 1 (Act1) 5' region for use in monocot transformation", Mol Gen Genet, Vol. 231, pages 150-160, 1991   |  |
| CX  | F. A. Krens et al, "In vitro transformation of plant protoplasts with Ti-plasmid DNA", Nature, Vol. 296, pages 72-74, March 4, 1982   |  |
| CY  | T. Komari et al, "Vectors carrying two separate T-DNAs for co-transformation of higher plants mediated by Agrobacterium tumefaciens and segregation of transformants free from selection markers", The Plant Journal, Vol. 10(1), pages 165-174, 1996 |  |
| CZ  | T. M. Klein et al, "High-velocity microprojectiles for delivering nucleic acids into living cells", Nature, Vol. 327, pages 70-73, May 7, 1987  |  |
| CAA | L. Jouanin et al, "Transfer of a 4.3kb Fragment of the TL-DNA of Agrobacterium Rhizogenes Strain A4 Confers the pRI Transformed Phenotype to Regenerated Tobacco Plants", Plant Science, Vol. 53, pages 53-63, 1987                                   |  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

354659

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|



PTO/SB/92 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/506946

Attorney Docket No.: 11887-00005-US

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 24, 2004  
Date

A.L. Hamm

Signature

Amy L. Hamm

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Information Disclosure Statement  
PTO/SB/08  
References  
Return Postcard